

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

February 26, 2004

Mr. Raymond V. Gilmartin  
Chairman, President, and Chief Executive Officer  
Merck  
One Merck Drive  
P.O. Box 100  
Whitehouse Station, NJ 08889

Dear Mr. Gilmartin:

We are writing regarding recent reports of financial arrangements between drug manufacturers and scientists at the National Institutes of Health (NIH). These arrangements were first reported by the *Los Angeles Times*, which disclosed that some top NIH scientists received hundreds of consulting payments, worth hundreds of thousands or even millions of dollars, from pharmaceutical manufacturers with an interest in their work.<sup>1</sup>

In light of these reports, we are writing to you and to CEOs of other large pharmaceutical manufacturers to request information about relationships between drug companies and scientists at NIH. Specifically, we are requesting that you provide us with the following information:

- (1) A complete listing of all stock options, consulting fees, or other financial arrangements, from 1995 to the present, between Merck and scientists at NIH. Please include information on the names of the NIH employees, the exact nature of the financial arrangement, the duties performed by the scientists on behalf of Merck, and the duration and time frame of the financial arrangement.
- (2) A listing of all cooperative research agreements, grants, and contracts between Merck and NIH, including information on the value and nature of these arrangements as well as the NIH officials responsible for awarding them.
- (3) Any information on patents awarded to your company for products that were developed with assistance from NIH scientists who also had financial arrangements with Merck. Please include detailed information on the nature and value of the contribution of the NIH scientists to the patent.
- (4) A description of company policies that are in effect to ensure that NIH scientists who have financial arrangements with Merck are able to avoid conflicts of interest.

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<sup>1</sup> *Stealth Merger: Drug Companies and Government Medical Research*, Los Angeles Times (Dec. 7, 2003).

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Thank you for your assistance with this request. In order to facilitate our investigation of these potential conflicts of interest, we would like a response to this request by March 11, 2004. Our staff contacts for the project are Brian Cohen (Rep. Waxman), or Ellie Dehoney (Rep. Brown) who can discuss additional details of this work and the time frames for completion.

Sincerely,



Henry A. Waxman  
Ranking Minority Member  
Committee on Government Reform



Sherrod Brown  
Ranking Minority Member  
Subcommittee on Health  
Committee on Energy and Commerce